

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MATTHEW CHAFFIN,

Plaintiff,

v.

ERICA HUSS, et al.,

Defendants.

Case No. 2:22-cv-1

Hon. Hala Y. Jarbou

ORDER

On January 31, 2023, Magistrate Judge Maarten Vermaat issued a Report and Recommendation (R&R) recommending that that the Court dismiss this case for failure to prosecute and failure to update his address (ECF No. 17). The R&R mailed to Plaintiff was returned to the Court marked “return to sender,” “inmate paroled” and “no forwarding address” (ECF No. 18).

Even though the Plaintiff has not received a copy of the R&R, Plaintiff has been properly served under the Federal Rules of Civil Procedure. As required by statute, the magistrate judge filed the R&R with the Court and mailed a copy to Plaintiff at his last known address. *See* 28 U.S.C. § 636(b)(1)(C) (“the magistrate judge shall file his proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties.”). Upon placing the R&R in the mail to Plaintiff’s last known address, service was complete. Fed. R. Civ. P. 5(b)(2)(C). Plaintiff has a continuing obligation to apprise the Court of his current address. *See* W.D. Mich. LCivR. 41.1 (“Failure of a plaintiff to keep the Court apprised of his current address shall be grounds for dismissal for want of prosecution.”).

After being served with a Report and Recommendation issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); *see United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). Failure to file an objection results in a waiver of the issue and the issue cannot be appealed. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); *see United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *see Thomas v. Arn*, 474 U.S. 140, 155 (1985) (upholding the Sixth Circuit's practice). No objections have been filed to date.

Although Plaintiff's failure to file objections is a sufficient reason to adopt the R&R, this Court has reviewed the merits of the report and finds the magistrate judge's reasoning and conclusions sound.

Accordingly,

IT IS ORDERED that the R&R (ECF No. 17) is **APPROVED** and **ADOPTED** as the opinion of the Court.

A judgment will issue in accordance with this order.

Dated: February 17, 2023

/s/ Hala Y. Jarbou
HALA Y. JARBOU
CHIEF UNITED STATES DISTRICT JUDGE